

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

- 1) BRENNAN COLE,
- 2) RACHEL COLE,
- 3) AUSTIN HODGE, and
- 4) HANNAH HODGE,

Plaintiffs,

vs.

Case No.: CIV-2022-044-R

- 1) AMC WEST HOUSING, LP, a
foreign limited partnership;
- 2) BALFOUR BEATTY
COMMUNITIES, a foreign limited
liability company;
- 3) STEAMMART LLC, an Oklahoma
limited liability company;
- 4) GREGG PETERSON
CONSTRUCTION GROUP LLC,
an Oklahoma limited liability
company;
- 5) RICK CUNEFARE; and
- 6) CC-1-CC-10 UNIDICTED CO-
CONSPIRATORS IN USA v.
RICK CUNEFARE 21-CR-319-
EGS,

(District Court of Oklahoma County,
Case No. CJ-2021-3723)

Defendants.

**DEFENDANTS AMC WEST HOUSING, LP AND BALFOUR BEATTY
COMMUNITIES, LLC's FINAL WITNESS LIST**

In accordance with the Scheduling Order entered herein, as amended, The Defendants AMC West Housing, LP ("AMC") and Balfour Beatty Communities, LLC ("BBC") (collectively "AMC/BBC"), submits the following Final Witness List. As trial preparation and discovery are still ongoing, however, AMC/BBC respectfully reserves the right to

supplement or otherwise amend this Final Witness List as, and if, new, additional, or more complete information becomes available to it. The parties still need to conduct depositions, including fact and expert depositions, many of which are in the process of being scheduled. These additional depositions may result in the need for AMC/BBC to add additional witnesses.

In submitting the following list, AMC/BBC reserves all objections it may have to the admissibility of the testimony of the listed witnesses.

WITNESS LIST

The following persons may be called at trial to testify live or by deposition:

No.	Witness Name and Address	Summary of Expected Testimony/Deposed
1.	Brenan Cole	Deposed
2.	Rachel Cole	Deposed
3.	Austin Hodge	Deposed
4.	Hanna Hodge	Deposed
5.	Richard Linio BBC Project Director (Can be contacted through defense counsel)	Mr. Linio may provide testimony about the PEX project at Tinker AFB during the time period in which Plaintiffs resided at Tinker AFB Family Housing. Finally, Mr. Linio may provide testimony to authenticate and discuss business records offered into evidence.
6.	Dan Frederick BBC Project Director (Can be contacted through defense counsel)	Mr. Frederick may provide testimony about provide testimony regarding responses to Plaintiffs' service requests, including maintenance and repair work performed during the time period in which Plaintiffs resided at Tinker AFB Family Housing. Finally, Mr. Frederick may provide testimony to authenticate and discuss business records offered into evidence.
7.	Bryan Fasulo	Mr. Fasulo may provide testimony about Plaintiffs' residencies at Tinker AFB Family

No.	Witness Name and Address	Summary of Expected Testimony/Deposed
	Former BBC Regional Property Manager (Can be contacted through defense counsel)	Housing and specifically, regarding Plaintiffs Austin and Hanna Hodge's termination of their Lease Agreement and Basic Allowance for Housing ("BAH") reconciliation. Finally, Mr. Fasulo may provide testimony to authenticate and discuss business records offered into evidence.
8.	Kenneth Sperry BBC Environmental Director (Can be contacted through defense counsel)	Mr. Sperry may provide testimony regarding AMC/BBC's policies and procedures for responding to and addressing reported moisture or suspected microbial growth in a residence, including when Plaintiff resided at Tinker AFB Family Housing. Finally, Mr. Sperry may provide testimony to authenticate and discuss business records offered into evidence.
9.	Traci Neerhof BBC Senior Regional Service Center Coordinator (Can be contacted through defense counsel)	Ms. Neerhof may provide testimony regarding Plaintiffs Austin and Hanna Hodge's residence, communications leading up to their notice to vacate the premises, and their move-out from the premises. Ms. Neerhof may provide testimony regarding responses to Plaintiffs' service requests, including maintenance and repair work performed. Finally, Ms. Neerhof may provide testimony to authenticate and discuss business records offered into evidence.
10.	Courtney Bruner Former Community Manager, Tinker AFB Family Housing (Can be contacted through defense counsel)	Ms. Bruner may provide testimony regarding Plaintiffs' residences at Tinker AFB Family Housing, including without limitation, their inspections of the residences prior to execution of the applicable leases, their occupation of the residences, and their vacancies from the residences, including any maintenance and repair work performed. Finally, Ms. Bruner may provide testimony to authenticate and discuss business records offered into evidence.
11.	Amity Jones Community Manager, Tinker AFB Family Housing (Can be contacted through defense counsel)	Ms. Jones may provide testimony regarding Plaintiffs' residences at Tinker AFB Family Housing and to authenticate and discuss business records offered into evidence.

No.	Witness Name and Address	Summary of Expected Testimony/Deposed
12.	Timothy Todd Maintenance Manager, Tinker AFB Family Housing (Can be contacted through defense counsel)	Mr. Todd may provide testimony on AMC/BBC's responses to Plaintiffs' maintenance requests and repairs. Mr. Todd may also provide testimony on the process for responding to tenant's maintenance requests. Finally, Mr. Todd may provide testimony to authenticate and discuss business records offered into evidence.
13.	Todd Stowe Maintenance Manager, Tinker AFB Family Housing (Can be contacted through defense counsel)	Mr. Stowe may provide testimony on AMC/BBC's responses to Plaintiffs' maintenance requests and repairs. Mr. Stowe may also provide testimony on the process for responding to tenant's maintenance requests. Finally, Mr. Stowe may provide testimony to authenticate and discuss business records offered into evidence.
14.	Julie Meek Procurement Administrator, Tinker AFB Family Housing (Can be contacted through defense counsel)	Ms. Meek may provide testimony about the work order process at Tinker AFB Family Housing, including for maintenance requests by Plaintiffs when they lived at Tinker AFB Family Housing. Finally, Ms. Meek may provide testimony to authenticate and discuss business records offered into evidence.
15.	Pam Turner Accounts Coordinator, Tinker AFB Family Housing (Can be contacted through defense counsel)	Ms. Turner may provide testimony about Plaintiffs' BAH during the time in which they lived at Tinker AFB Family Housing, including BAH Reconciliations for Plaintiffs upon their respective vacancies. Finally, Ms. Turner may provide testimony to authenticate and discuss business records offered into evidence.
16.	Lionel Torres BBC Customer Experience Specialist, Tinker AFB Family Housing (Can be contacted through defense counsel)	Mr. Torres may provide testimony regarding Plaintiffs' residences at Tinker AFB Family Housing, including without limitation, their inspections of the residences prior to execution of the applicable leases, their occupation of the residences, and their vacancies from the residences, including any maintenance and repair work performed. Finally, Mr. Torres may provide testimony to authenticate and discuss business records offered into evidence.

No.	Witness Name and Address	Summary of Expected Testimony/Deposed
17.	Greg Henley Project Superintendent, Tinker AFB Family Housing (Can be contacted through defense counsel)	Mr. Henley may provide testimony about the project management and repairs performed at Tinker AFB Family Housing, including repair requests and work performed on Plaintiffs Austin and Hanna Hodge's residence at Tinker AFB Family Housing. Mr. Henley may also provide testimony about Plaintiffs Austin and Hanna Hodge's move-out from the residence. Finally, Mr. Henley may provide testimony to authenticate and discuss business records offered into evidence.
18.	Eric Barnett QA/QC, Tinker AFB Family Housing (Can be contacted through defense counsel)	Mr. Barnett may provide testimony regarding Plaintiffs' residences at Tinker AFB Family Housing, including without limitation, their inspections of the residences prior to execution of the applicable leases, their occupation of the residences, and their vacancies from the residences, including any maintenance and repair work performed. Finally, Mr. Barnett may provide testimony to authenticate and discuss business records offered into evidence.
19.	Kerry Martinez Former Resident Engagement Specialist, Tinker AFB Family Housing Address: Unknown	Ms. Martinez may provide testimony about Plaintiffs' residences at Tinker AFB Family Housing, including, without limitation, discussions with Plaintiffs Brenan and Rachel Cole regarding their move-out inspection and the BAH reconciliation following their vacancy from their residence.
20.	John Srader Former BBC Resident Engagement Specialist Address: Unknown	Mr. Srader may provide testimony about the condition and inspection of Plaintiffs' residences prior to and following their residency.
21.	AMC/BBC Corporate Representative (Can be contacted through defense counsel)	The AMC/BBC Corporate Representative may provide testimony to rebut any evidence and/or testimony offered by Plaintiffs and permitted by the Court.
22.	Haley's Carpet 3920 NW 39 th Street, Suite C Oklahoma City, OK 73112	AMC/BBC reserve the right to call representatives who will be able authenticate and discuss exhibits offered into evidence

No.	Witness Name and Address	Summary of Expected Testimony/Deposed
		regarding work performed on Plaintiffs' residences.
23.	Holiday Carpet Cleaning & Restoration 1802 N.E. 25th Street, Moore, OK 73160	AMC/BBC reserve the right to call representatives who will be able authenticate and discuss exhibits offered into evidence regarding work performed on Plaintiffs' residences.
24.	Steammart, LLC P.O. Box 12388, Oklahoma City, OK 73157	AMC/BBC reserve the right to call representatives who will be able authenticate and discuss exhibits offered into evidence regarding work performed on Plaintiffs' residences.
25.	G&P Construction 22 Constitution, Altus, OK 73554	AMC/BBC reserve the right to call representatives who will be able authenticate and discuss exhibits offered into evidence regarding work performed on Plaintiffs' residences.
26.	Eason Enterprises, LLC P.O. Box 15161, Del City, OK 73155	AMC/BBC reserve the right to call representatives who will be able authenticate and discuss exhibits offered into evidence regarding work performed on Plaintiffs' residences.
27.	Terminix 625 U.S. Highway 1, Ste. 1, Key West, FL 33040	AMC/BBC reserve the right to call representatives who will be able authenticate and discuss exhibits offered into evidence regarding work performed on Plaintiffs' residences.
28.	JCM and Sons, LLC 3390 N. Choctaw Rd., Choctaw, OK 73020	AMC/BBC reserve the right to call representatives who will be able authenticate and discuss exhibits offered into evidence regarding work performed on Plaintiffs' residences.
29.	BELFOR Property Restoration 4312 Will Rodgers	AMC/BBC reserve the right to call representatives who will be able authenticate and discuss exhibits offered into evidence regarding work performed on Plaintiffs' residences.
30.	Michael Posson, M.P.H., CIH (Can be contacted through defense counsel)	Mr. Posson is a retained expert for AMC/BBC and his report was produced in accord with the Court's Scheduling Order. Mr. Posson may be

No.	Witness Name and Address	Summary of Expected Testimony/Deposed
		called to testify concerning the opinions expressed in his report, including any supplement or amendment thereto.
31.	Delno D. Malzahn, CIH, FAIHA (Can be contacted through defense counsel)	Mr. Malzahn is a retained expert for AMC/BBC and his report was produced in accord with the Court's Scheduling Order. Mr. Malzahn may be called to testify concerning the opinions expressed in his report, including any supplement or amendment thereto.
32.	Chester C. Clarke, M.D., MPH, MIA (Can be contacted through defense counsel)	Dr. Clarke is a retained expert for AMC/BBC and his reports were produced in accord with the Court's Scheduling Order. Dr. Clarke may be called to testify concerning the opinions expressed in his reports, including any supplements or amendments thereto.
33.	Healthcare providers for Brenan Cole as identified in medical records produced to date and any supplemental medical records following submission of this Final Witness List	Brenan Cole's pre-existing medical conditions, physical, mental and emotional medical issues and treatment during his residency at Tinker AFB Family Housing, and medical issues and treatment after his residency at Tinker AFB Family Housing.
34.	Healthcare providers for Rachel Cole as identified in medical records produced to date and any supplemental medical records following submission of this Final Witness List	Rachel Cole's pre-existing medical conditions, physical, mental and emotional medical issues and treatment during his residency at Tinker AFB Family Housing, and medical issues and treatment after his residency at Tinker AFB Family Housing.
35.	Healthcare providers for Austin Hodge as identified in medical records produced to date and any supplemental medical records following submission of this Final Witness List	Austin Hodge's pre-existing medical conditions, physical, mental and emotional medical issues and treatment during his residency at Tinker AFB Family Housing, and medical issues and treatment after his residency at Tinker AFB Family Housing.
36.	Healthcare providers for Hanna Hodge as identified in medical records produced to date and any supplemental medical records following submission of this Final Witness List	Hanna Hodge's pre-existing medical conditions, physical, mental and emotional medical issues and treatment during his residency at Tinker AFB Family Housing, and medical issues and treatment after his residency at Tinker AFB Family Housing.

No.	Witness Name and Address	Summary of Expected Testimony/Deposed
37.	Ron Fuentz Address: Unknown	Mr. Fuentz may provide testimony about Brenan and Rachel Cole's purchase of an RV, use of the same, and sale of the same.
38.	Carrie Sechrist Del City, Oklahoma	Ms. Sechrist may provide testimony about AMC/BBC's inspection of Austin and Hanna Hodge's residence at Tinker AFB Family Housing.
39.	Erica Goessl 9808 Nugget Court Bristow, Virginia	Ms. Goessl may provide testimony about the alleged stresses and incidents between Rachel Cole and Brenan Cole.
40.	All witnesses identified on Plaintiffs' witness list to which AMC/BBC do not object	
41.	All witnesses necessary to rebut Plaintiffs' testimony and/or assertions	
42.	All witnesses necessary to impeach Plaintiffs' witnesses	

Other individuals may have information relevant to AMC/BBC's defenses, and these disclosures are made based upon information reasonably available to AMC/BBC at this stage of the litigation and without prejudice to its right to identify or rely on facts provided by additional witnesses. Given that trial preparation and discovery is ongoing, and additional depositions will be scheduled, AMC/BBC respectfully reserves the right to supplement or otherwise amend the foregoing Witness List as, and if, new, additional, or more complete information becomes available to it. Additionally, AMC/BBC reserves all objections they may have to the admissibility to the testimony of the listed witnesses.

Respectfully submitted

/s/ W. Brett Willis

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ATTORNEYS FOR DEFENDANTS AMC

WEST HOUSING LP AND BALFOUR

BEATTY COMMUNITIES

CERTIFICATE OF SERVICE

This is to certify that on the 20th day of February, 2023, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing was sent to the following ECF registrants:

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s/ W. Brett Willis

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